

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**DANA JOE BRYANT,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** ) **5:06-cv-00477-VEH-JEO**  
 )  
 **CAPTAIN KENT, et al.,** )  
 )  
 **Respondents.** )

## MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice.<sup>1</sup> An appropriate order will be entered.

**DONE**, this the 18th day of September, 2006.

W Hopkins

**VIRGINIA EMERSON HOPKINS**  
United States District Judge

<sup>1</sup>To the extent the petitioner raises 42 U.S.C. § 1983 type claims in his objections to the magistrate judge's report and recommendation, those claims may be presented in a separate civil action.